

**REMARKS**

Claims 1-18 are pending. By this amendment, claims 1 and 11 are amended and claims 6 and 11-18 were previously withdrawn from consideration.

The Office Action indicates that claims 4, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, for the reasons set forth below, it is submitted that all claims are in condition for allowance.

The Office Action rejects claims 1, 2, 9 and 10 under 35 USC 102 over Aoyama (USP 6,026,921) and rejects claims 3 and 7 under 35 USC 103 over Aoyama in view of Laiser (USP 5,979,158). These rejections are respectfully traversed.

Claims 1 and 10 recite a hybrid vehicle that includes an internal combustion engine and a start time controller (or start time control means) which starts the engine after a predetermined time has elapsed since an ignition switch is turned on, wherein a timer measures the predetermined time which has elapsed since the ignition switch is turned on. These features are not disclosed in Aoyama, as further explained below.

Aoyama discloses:

“Then, after the engine 2 is started up by means of the motor/generator 1, the clutch 3 is engaged. In the warmed-up state of the engine 2, before the clutch 3 is engaged, as seen in FIG. 6, the intake-valve closing point (IVC) is controlled or adjusted to a retarded valve closure timing, as compared to an intake-valve closing point set in a state where the clutch 3 is engaged. At such a retarded valve closure timing (at a retarded IVC), the engine 2 is started up.” See col. 8, lines 27-35.

Thus in Aoyama, before the clutch is engaged, the intake-valve closing point is controlled to a retarded valve closure timing. Aoyama does not disclose starting the engine after a predetermined time period has elapsed since an ignition switch is turned on, wherein a timer measures the predetermined time which has elapsed since the ignition switch is turned on.

Aoyama does not disclose any time period being measured after an ignition switch is turned on, but instead performs a retarded valve closure operation. No timer is disclosed that measures the predetermined time which has elapsed since the ignition switch is turned on as required by the claims.

Further, claims 1 and 10 require starting the internal combustion engine after a predetermined time has elapsed since an ignition switch is turned on. In contrast, in Aoyama, the engine is started according to the driver's operation of the accelerator pedal and the like, not engine after a predetermined time has elapsed since an ignition switch is turned on, as required by the claims. Accordingly, claims 1 and 10, and all claims dependent therefrom are not anticipated by Aoyama.

Further, because Laiser does not solve the above-noted deficiencies of Aoyama regarding claims 1, from which claims 3 and 7 depend, claims 3 and 7 would not have been obvious over the applied references. Withdrawal of the rejections is requested.

For at least these reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are requested.

The Examiner is invited to contact the undersigned at (202) 220-4334 to discuss any matter concerning this application.

**PATENT**  
**Serial No: 10/648,392**  
**Docket No: 10517-179**

The Office is authorized to any fees due under 37 CFR §§§ 1.16, 1.17 or 1.136 or credit any overpayments to Deposit Account 11-0600.

Respectfully submitted,

A handwritten signature in cursive script, reading "David J. Zibelli", written over a horizontal line.

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